THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.26378 OF 2007

Date: 24-12-2007

Between:

1.Pajjuri Srinivas
and others … Petitioners

And

1.The Agricultural Market Committee,
Suryapet, Nalgonda Dist.
Rep.by its Secretary … Respondents

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WRIT PETITION NO.26378 OF 2007

O R D E R:

This court ordered notice before admission on 11.12.2007.

2. Heard Sri K.Laxmanachari, the learned counsel representing the petitioner and the learned G.P. for Agriculture and Sri V.V.Narayana Rao, representing respondents.

3. The writ petition is filed for a writ of mandamus declaring the action of the respondents in not issuing Commission Agent Licenses in favour of the petitioners to carry on business in Agricultural Market Yard at Suryapet as illegal, arbitrary and contrary to the provisions of Act No.16 of 1966 and to pass further orders.

4. It is stated that the petitioners had been carrying on business in Nalgonda district particularly in Suryapet for last several years. The petitioners submitted applications, dated 26.10.2007, 22.10.2007, 19.10.2007, 15.10.2007 respectively, before the respondent No.1 to issue Commission Agent License for the year 2007 and 2008. They had enclosed National Savings Certificate for a sum of Rs.5,000/- each. The 1st and 2nd respondents received the applications submitted by al the petitioners, but did not dispose of the said applications for issue of Commission Agents License within the time prescribed under the provisions of the Act No.16 of 1966 and Rules made there under. It is further submitted that the Government of Andhra Pradesh so far not issued any G.O. or Notification regulating or

prohibiting commission Agents from operating in the Agricultural Market Yard. The respondents in the absence of such notification issued by the Government of Andhra Pradesh is bound to issue license in favour of the petitioners. It is also further submitted that they were informed previously the 1st respondents in fact decided to issue commission Agent Licenses in favour of some business persons. When it was brought to the notice of the 2nd respondent, the 2nd respondent addressed a letter dated 16.6.2006 to the 1st respondent stating to reject the pending applications submitted for issue of Commission Agent Licenses. The reason shown in the said letter is that there are number of commission agents operating the Agricultural Market Yard. The extra commission Agents are not required. The 1st petitioner submit that the issue of granting licenses in favour of commission Agents on the basis of number of licenses operating in the Market yard cannot be decided. When there are more number of Commission Agents operating in the market yard there will be a competition among them and they will render services to the farmers. In fact the 2nd respondent in his letter dated 16.6.2006 having found that more under of commission Agents would benefit the farmers community in the Agricultural Yard but requested the 1st respondent to reject the applications. It is submitted when there is no Notification lprohibiting or regulating commission agents in the Agricultural Market Yard, the respondents are bound to issue licenses in favour of the petitioners, if they are other wise eligible and qualified to be issued with licenses. It is further submitted that out applications are lying with the 1st respondent since long time. The 1st respondent being the competent authority for issue of licenses is required to consider the application within the time framed in the

provisions of Act 16 of 1966. The 2nd respondent in the absence of notification issued by the Government have no authority to regulate issue of licenses. In such circumstances, the petitioners approached this court praying for the relief specified supra.

5. The order made in W.P.19169 of 2007 dated 24.9.2007 had been placed before this court and the said W.P. was disposed of observing as hereunder:

"This court ordered notice before admission on 10.9.2007. This Court in W.P.No.15817 of 2007 dated 26th July, 2007 made the following order.

"The A.P.(Agricultural Produce & Live Stocks) Markets Act, 1966 (for short 'the Act') provides for regulation of trade and business in agricultural produce and live stock, within the jurisdiction of notified markets. Section 7 of the Act prescribes the procedure for grant and renewal of licences. The petitioners claim to have submitted applications for grant of licences. In case, they have complied with the necessary requirements, they are entitled to be issued such licences. On the other hand, if the applications are defective, in any manner, the respondents are under obligation to intimate the reasons to the petitioners. Either way, the respondents ought to have taken steps on the applications of the petitioners."

6. Hence, the writ petition is disposed of, directing the respondents to take necessary steps on the applications of the petitioners, within four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs."

It is brought to the notice of this court that in the present writ

petition also, the facts are similar and in view of the same, the writ petition is disposed of directing the respondents to take necessary steps on the applications of the petitioners in accordance with Section 7(2) of the Act within six weeks from the date of receipt of a copy of this order. No costs".

7. In the light of the same and inasmuch as similar matters had been disposed of with suitable directions, this writ petition is disposed of directing the respondents to take necessary steps on the applications of the petitioners under Section 7(2) of the Act within six weeks from the date of receipt of a copy of this order. No costs.

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P.S.NARAYANA,J

24th December, 2007.

PNV

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